

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

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|-----------------------------------|---|----------|
| SCOTTIE LEE GRAVES, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 1:18CV66 |
| |) | |
| UNITED STATES OF AMERICA, et al., |) | |
| |) | |
| Defendant(s). |) | |

ORDER

On February 5, 2018, the Order and Recommendation ("Recommendation") of the United States Magistrate Judge was filed and notice was served on the parties in this action in accordance with 28 U.S.C. § 636(b). Plaintiff has filed a document entitled, "Pro Se Motion in Opposition to Parts of Courts Opinion, Order, and Moves the Court to Authorize Constitutionally Protect Right to Access Inmate Law Library For Cause." (Docket Entry 4.)

To the extent this document is construed as objections to the Recommendation, the court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation. To the extent this document is construed as a motion, the motion is denied in light of the Recommendation of dismissal. The Court will also deny Plaintiff's additional

motions in light of the Recommendation of dismissal. (See Docket Entries 5, 6, 7.)¹

IT IS THEREFORE ORDERED that Plaintiff's motions (Docket Entries 4, 5, 6, 7) are **DENIED**.

IT IS FURTHER ORDERED that this action be filed and dismissed sua sponte without prejudice to Plaintiff filing a new action, on the proper § 1983 or § 2254 forms, which corrects the defects cited in the Recommendation. A judgment dismissing this action will be entered contemporaneously with this Order.

This the 22nd day of May, 2018.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge

¹ The Court notes that one of Plaintiff's documents is an application to proceed in forma pauperis. (See Docket Entry 5.) This is one of the defects cited in the Recommendation. (See Docket Entry 2.) In light of the additional defect which has not been cured, see id. ("The Complaint is not on forms prescribed for use by this Court, nor is the information requested by such forms and necessary to process the Complaint"), the Court denies Plaintiff's IFP application.